

Serial No. 10/053,739
Docket No. 01USFP710-K.N.

THE HASHIMOTO REFERENCE

Hashimoto discloses a remote control system for a computer. A remote control unit 1 is separate from controlled unit 21 and emits a light signal that is detected by a signal receiver 26. In some embodiments, signal receiver 26 is within controlled unit 21, while in other embodiments the signal receiver 26 is within a receiving unit 25 which is connected by a cable to the mouse input port of the controlled unit 21. Motion sensors 2, 3 within the remote control unit 1 modulate light or radio signals sent from the unit 1 to the signal receiver 26, and the cursor 108 is positioned on the display device 100 of controlled unit 21 based on these signals. As with the mouse or track ball, only the one signal is required to position the cursor 108.

Once the cursor 108 is positioned, for example on a desired icon, instructions can be issued and operation effected by actuation of a switch 9. Thus, for example, the icon can be selected.

ARGUMENT

The final rejection recognizes that Fan does not show concurrent or substantially simultaneous actuation of a position indicating button and outputting of a position indication allowing signal in order to position the cursor, and contends that Hashimoto shows this. This is incorrect.

The final rejection states that Hashimoto teaches this by teaching a remote control system in which through angular motion of remote control unit 1 and use of selection switch 9 instructions can be issued and operation effected, enabling control of a controlled unit that can be controlled by a mouse, and cites Hashimoto at column 20, lines 56-67, column 26,

Serial No. 10/053,739
Docket No. 01USFP710-K.N.

lines 5-16, and Figure 34 at "9" and 24. (No reference character 9 is shown in Figure 34. In other figures, reference character 9 refers to a selection switch.)

Column 20, lines 56-67 of Hashimoto read:

"The signal from the signal transmitter 12 is detected by the signal receiver 26 of the receiving unit 25, and demodulated in accordance with a format specified by the control processor 324 into a signal for moving the cursor and selecting an icon. This signal is input to the control processor 324 via the cable 28 and the connector 29. As a result, there is realized a remote control system in which, through (1) angular motion of remote control unit 1 in space toward the front, back, left or right to point toward the desired icon and (2) use of the selection switch 9, instructions can be issued and operation effected, enabling control of a controlled unit that can be controlled by a mouse."

This does not state that substantially simultaneous or concurrent actuation of a position indicating button and outputting of a position indication allowing signal is required to position the cursor. Angular motion of remote control unit 1 positions the cursor. Use of selection switch 9 enables control of a controlled unit.

Column 26, lines 5-16 of Hashimoto read:

"The signal from the transmitter 61 is received by the receiver 25 and output as the sequence of pulses and the signal from the selection switch 9. This signal is input to code conversion circuit 10 and converted into code according to a format specified by the control processor 24, and is then input to the control processor 24. As a result, there is realized a remote control system in which, through angular motion of the remote control unit 1 in space toward the front, back, left or right of the desired icon and the use of the selection switch 9, instructions can be issued and operation effected, enabling control of a controlled unit that is designed primarily for control by a mouse."

Likewise, this does not state that substantially simultaneous or concurrent actuation of a position indicating button and outputting of a position indication allowing signal is required

Serial No. 10/053,739
Docket No. 01USFP710-K.N.

to position the cursor. Angular motion of remote control unit 1 positions the cursor. Use of selection switch 9 enables control of a controlled unit.

Each of the above-quoted passages from Hashimoto concludes:

“...instructions can be issued and operation effected, enabling control of a controlled unit that can be controlled by a mouse.”

If a controlled unit can have its cursor positioned by movement of a mouse, then that unit would not operate properly with a cursor control device which requires both angular motion of a remote control unit and use of selection switch. Thus, it is clear that Hashimoto does not require substantially simultaneous or concurrent actuation of a position indicating button and outputting of a position indication allowing signal to position the cursor.

At column 15, lines 25-57, a more complete explanation of the positioning of cursor 108 and of the function of selection switch 9 is given. That passage reads:

“When the remote control unit 1 is subjected to angular motion or rotated in space toward the front, back, left or right, the outputs of horizontal and vertical angular speed detectors 2 and 3 vary. ... The horizontal and vertical angular speed detectors 2 and 3 are connected to the operation unit 124, which calculates the direction of the angular motion. The operation unit 124 detects the voltage output from detectors 2 and 3, and integrates the output voltage to obtain a vector quantity. The data indicative of the vector quantity is converted into a digital signal, and sent to the CPU 125. The signal is thereafter transmitted from the signal transmitter 12 as a remote control signal.

“If the orientation of the remote control unit 1 is then changed to bring the cursor 108 toward a desired icon 222 of an opening menu screen 105, a transmitted remote control signal is received by the signal receiver on the front panel of the display device 100 and processed by the control processor 24 to cause the cursor 108 to move.

“When the cursor 108 has reached the desired icon 222, and the selection switch is pressed, the icon (and hence the command represented by the icon) is selected, and a next menu is made to appear on the screen. If, for example, the selection

Serial No. 10/053,739
Docket No. 01USFP710-K.N.

switch is pressed when the cursor is over an icon used for a VTR, the system will turn to a VTR mode."

Thus, the cursor 108 is brought to a desired position, for example on an icon, when the orientation of the remote control unit is changed. Actuation of selection switch 9 is not required. Selection switch 9 is actuated to select an icon when the cursor is positioned over the icon.

Consequently, Hashimoto does not show concurrent or substantially simultaneous actuation of a position indicating button and outputting of a position indication allowing signal in order to position a cursor.

CONCLUSION

Fan and Hashimoto do no more than the well-known mouse or track ball. Movement of Fan's pointer light or of Hashimoto's remote control unit causes positioning of the cursor, just as does movement of a mouse or track ball. Actuation of Hashimoto's selection switch 9 selects the icon on which the cursor is positioned, just as do the left click and right click switches on a mouse or track ball. In each of the claims of the present application, movement of the cursor 13 on the display screen 7 requires substantially simultaneous or concurrent (1) actuation of position indicating button 4, and (2) outputting of position indication allowing signal B. It is accordingly submitted that the claims distinguish patentably over Fan and Hashimoto, whether considered separately or in combination. Consequently, the claims are allowable.

In view of the foregoing, Applicant submits that claims 1-9, 12-14, 16-19 and 21-23, all the claims presently pending in the application, are patentably distinct over the prior art of

Serial No. 10/053,739
Docket No. 01USFP710-K.N.

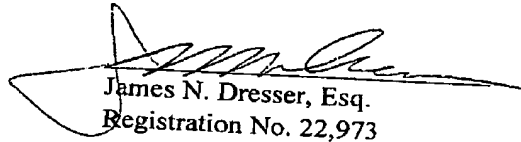
record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Attorney's Deposit Account No. 50-0481 and please credit any excess fees to such deposit account.

Respectfully Submitted,

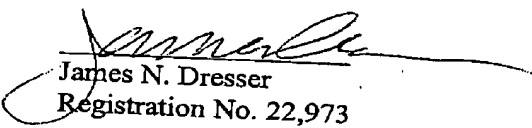
Date: August 20, 2004


James N. Dresser, Esq.
Registration No. 22,973

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment Under 37 C.F.R. §1.116 and Petition and Fee for Extension of Time under 37 C.F.R. §1.136(a) by facsimile with the United States Patent and Trademark Office to Examiner Uchendu O. Anyaso, Group Art Unit 2675 at fax number (703) 872-9306 this 20th day of August 2004.



James N. Dresser

Registration No. 22,973

S/N 10/053,739

Attorney Docket: 01USFP710-K.N.